



Department of Defense

DIRECTIVE

NUMBER 1322.12

April 12, 2004

PDUSD(P&R)

SUBJECT: Funded Legal Education

References: (a) DoD Directive 1322.12, "Funded Legal Education," April 12, 1974
(hereby canceled)
(b) Chapter 101, Section 2004 of title 10, United States Code

1. PURPOSE

This Directive:

1.1. Reissues reference (a).

1.2. Pursuant to reference (b), establishes DoD policy relative to the detailing of commissioned officers as students at law school at Government expense.

2. APPLICABILITY

This Directive applies to the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities in the Department of Defense (hereafter referred to collectively as "the DoD Components"). The term "Military Services", as used herein, refers to the Army, the Navy, the Air Force, and the Marine Corps.

3. POLICY

It is DoD policy to promote an opportunity for a small number of career-oriented commissioned officers to be detailed annually to accredited law schools for the purpose

of obtaining law degrees and returned subsequently to their Military Services as career judge advocate officers.

3.1. No more than 25 officers from each Military Department may commence training in any fiscal year.

3.2. Qualified officers shall be assigned only to schools in the United States that are accredited by the American Bar Association.

3.3. Training shall not exceed 36 months and shall result in the award of a bachelor of laws or a juris doctor degree.

3.4. No agreement detailing any officer of the Armed Forces to an accredited law school may be entered into during any period in which the President is authorized by law to induct persons into the Armed Forces involuntarily. Agreements in effect at such time that the President is authorized by law to involuntarily induct persons into the Armed Forces shall not be voided by nature of that involuntary induction authority.

4. RESPONSIBILITIES

4.1. The Principal Deputy Under Secretary of Defense for Personnel and Readiness, under the Under Secretary of Defense for Personnel and Readiness, shall oversee the funded legal education program.

4.2. The Secretaries of the Military Departments concerned shall for their respective Military Department:

4.2.1. Determine the number of officers required to be detailed to this duty at least once annually.

4.2.2. Conduct a competitive selection board, the proceedings and results of which are made a matter of permanent record at least once annually.

4.2.3. Require each candidate to sign an agreement that unless sooner separated, he or she shall:

4.2.3.1. Complete the educational course of legal training and seek admission to the bar as outlined in this Directive.


4.2.3.2. Accept transfer or detail as a judge advocate or law specialist of his or her Service within the Military Department concerned upon completion of legal training.

4.2.3.3. Agree to serve on active duty following completion of training for a period of 2 years for each year or part thereof of the legal training obtained after commencing the program. Officers dropped from the program prior to completion of training shall be required to perform active duty in an appropriate military capacity for 1 year for each year or part thereof of participation in the program.

4.3. Guidelines for the policy and responsibilities listed in sections 3. and 4. are provided in enclosure 1.

5. EFFECTIVE DATE

This Directive is effective immediately.


Paul Wolfowitz
Deputy Secretary of Defense

Enclosures - 1

E1. Guidelines for the Funded Legal Education Program

E1. ENCLOSURE 1

GUIDELINES FOR THE FUNDED LEGAL EDUCATION PROGRAM

E1.1. QUALIFICATIONS FOR ASSIGNMENT

The applicant must:

E1.1.1. Be a citizen of the United States currently serving on active duty in a commissioned officer status.

E1.1.2. Hold a baccalaureate degree or equivalent.

E1.1.3. Have served on active duty for a period of not less than 2 years or more than 6 years at the time training is to commence.

E1.1.4. Be in the active duty pay grade of O-3 or below as of the time training is to commence. For accounting purposes, training shall commence during the fiscal year that the officer first obtains financial support under this program.

E1.2. PROGRAM ADMINISTRATION

E1.2.1. In addition to mandatory tuition and fees, the Military Departments shall pay no more than \$150 annually for such books determined to be essential.

E1.2.2. No period of service spent in school under this program is considered as satisfying any previously incurred service commitments. A service commitment incurred under this program shall be in addition to all previously incurred commitments.

E1.2.3. Under regulations prescribed by the Secretary of the Military Department concerned, officers in the program may be assigned military duties during periods when school is not in session. Such duties shall, to the extent possible, involve legal or paralegal tasks consistent with the training and experience of the officer.

E1.2.4. Officers may not accept paid civilian employment while under this program, except as may be permitted by law and the regulations of the Military Department concerned.

E1.2.5. In those jurisdictions requiring the passage of a bar examination in addition to graduation from law school, as a condition to admission to the bar, officers in the program must take the first bar examination offered subsequent to graduation in the jurisdiction of the law school attended, or in the jurisdiction of the officer's domicile or, if

approved by the Judge Advocate General of the Military Department concerned, in such other jurisdiction in which the officer may be eligible for admission to the bar. In the event an officer fails to pass the first bar examination elected, he or she must take the next bar examination in the same jurisdiction, or the next one available in a jurisdiction that the officer did not elect, but in which, under this paragraph, could have been elected.

E1.2.6. Discontinuance of participation in the program shall be as prescribed by the Secretary of the Military Department concerned.